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### The States and the Urban Crisis (Alan K. Campbell, Editor)

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our Constitution and our Bill of Rights has yet to become a reality. The dream remains. The task that faces us is to make it come true.

The volume under review provides a number of approaches to black entrepreneurship and black economic development. Some readers may disagree with the diagnoses and recommendations offered and, in fact, with the comments made in relation to them. The volume, nonetheless, is a challenge to all thoughtful and concerned Americans. The delivery of equality of opportunity in entrepreneurship and economic development is of such national importance that further analysis and discussion of these and other approaches are warranted. Equally important, they must be followed by action.

We need new, creative and imaginative answers so that we can deliver the rights we profess to all Americans, not in rhetoric but in reality. Only then can our promise be fulfilled, to be one nation, indivisible, with liberty and justice for all.

Theodore M. Hesburgh, C.S.C.\*

**THE STATES AND THE URBAN CRISIS.** Alan K. Campbell, Editor. Englewood Cliffs, New Jersey: Prentice-Hall, Inc. (The American Assembly, Columbia University), 1970. Pp. vi, 215. \$5.95.

It is common practice these days to link the urban crisis with almost anything, and books with titles like "The ——— and the Urban Crisis" can be found in abundance. Apparently, it is permissible to fill in the blank with the word of your choice, depending on what you pick as your favorite whipping boy. You can then urge with some conviction and satisfaction that whatever it is you have used to fill in the blank ought to be changed, or reformed, or restructured, or whatever you think is needed to bring on the millennium. This book has some of these qualities, for state governments have long been a favorite scapegoat, and we are often told that the crisis we find in our cities would disappear if only the states would "do something." We are then given a shopping list of programs and actions which, if only the states would adopt them and plunge ahead to bold endeavor, would cure or at least alleviate the problems of our cities.

There is something of the evangelist quality in this collection of essays, but not too much, for the contributors — who prepared these

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papers for an Arden House conference of the American Assembly — know better. What they give us is less a program of action for the reform of state government than a well-balanced presentation of some of the major issues that together make up the modern urban problem. "Contemporary Problems of Metropolitan Areas" would have been a better title. Nor do the essays, as a group, strike out with bold innovation. The authors attempt a survey and summary of the major problems and issues in a series of policy areas, as well as a survey of some of the major proposals that have been tried to date, their shortcomings, and the possible alternatives. States and state governments gradually assume a minor role in the presentation.

Lawyers will especially be interested in several of the chapters. Frank Grad concentrates on important state constitutional limitations, such as the common restrictions on municipal indebtedness, and Daniel Grant reviews the progress to date with metropolitan consolidations and federations, such as the now familiar Miami, Florida, Nashville, Tennessee, and similar plans. Roy Bahl analyzes the fiscal problems of metropolitan areas, while John Kolesar reviews recent developments in state departments of community affairs and similar agencies, and John DeGrove discusses the impact of federal grant-in-aid legislation and the variety of proposals for federal revenue-sharing. A useful chapter on state politics is contributed by A. James Reichley of *Fortune* magazine, while the editor provides a helpful summary and conclusion.

Most of the authors are pessimistic; Grant is explicitly so about the prospects for governmental reorganization,<sup>1</sup> while Reichley's analysis of the drift of state politics makes depressing reading. Bahl's examination of fiscal problems is tightly written and perceptive, but the tasks he assigns to state governments are monumental. While he proposes a program of state action which makes sense, the chances of its adoption are not promising. For example, he suggests a total shift of the public welfare and education functions to the state level,<sup>2</sup> partly to relieve the heavy financial burden on inner cities, but Reichley's own analysis later in the volume makes us wonder whether state governments, given the emerging political alignments, will be so indulging. Kolesar makes an important point when he puts aside the temptation to catalog the virtues of state planning to suggest that one of the real strategy problems is to find and apply pressure at the important leverage points in a system which, as he recognizes, often works at cross-pur-

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<sup>1</sup> Grant, *Urban Needs and State Response: Local Government Reorganization*, in *THE STATES AND THE URBAN CRISIS* 59, 82-84 (A. Campbell ed. 1970).

<sup>2</sup> Bahl, *State Taxes, Expenditures and the Fiscal Plight of the Cities*, in *id.* 85, 103-07.

poses.<sup>3</sup> He quotes another percipient urban observer who has noted that "the internal forces in most social systems are so powerful that they will likely dominate any effort to treat symptoms, if treatment does not reach to the true structural causes."<sup>4</sup> Unfortunately, developing the political muscle to attack "structural causes" may be more than the system may permit.

Political stalemate, as some have pointed out, has encouraged judicial attacks on a system which has so far been politically unresponsive. The fiscal setting provides an illustration of this approach. For example, suits have been brought in several states challenging the constitutionality of the formulas under which state aid is disbursed to local school districts. Some discussion of these developments might have been in order in this volume, but Roy Bahl does contribute an important insight. Talking about the exploitation argument — that the fiscal imbalance in metropolitan areas works to the advantage of the suburbs — he notes that "the exploitation argument requires proof that total community welfare is increased by the reduction of fiscal imbalances . . . [and] suggests that the justification for reducing metropolitan disparities must be made on equity rather than efficiency grounds."<sup>5</sup>

We can provide a legal translation. As lawyers, we may be quite right in suggesting that fiscal disparities in metropolitan areas, as reinforced by insensitive state aid programs, violate equal protection guarantees. But we should not kid ourselves that changing these inequities — and so far the courts have refused to intervene to make the change — will necessarily mean an improvement in what we call the public welfare. Expenditures may be made equal, but they may still be inadequate, and Bahl properly moves on to discuss the adequacy of fiscal resources to meet urban needs. Fortunately or unfortunately, providing adequate fiscal resources requires an act of political rather than judicial will. And so we return to the enigmas, roadblocks, and obstacles to which we referred earlier, and in which this book abounds. I recommend it to the careful student of the urban scene.

Daniel R. Mandelker\*

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<sup>3</sup> Kolesar, *The States and Urban Planning and Development*, in *id.* 114, 126-38.

<sup>4</sup> *Id.* at 127, quoting J. FORRESTER, *URBAN DYNAMICS* (1969).

<sup>5</sup> Bahl, *supra* note 2, at 90.

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